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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/619,607	07/19/2000	FUMIO NAGASAKA	106365	1439

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EXAMINER

VAUGHAN, MICHAEL R

ART UNIT	PAPER NUMBER
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2131

DATE MAILED: 02/10/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/619,607

Applicant(s)

NAGASAKA, FUMIO

Examiner

Michael R Vaughan

Art Unit

2131

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 July 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 July 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>6-7</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-28 have been examined and are pending.

Specification

2. Applicant is required to update the status (pending, allowed, etc.) of all parent priority applications in the first line of the specification. The status of all citations of US filed applications in the specification should also be updated where appropriate.

Information Disclosure Statement

3. An initialed and dated copy of Applicant's IDS form 1449, Paper No. 6-7 is attached to the instant Office action. IDS Paper No. 6 contains Japanese references, which have not been translated and therefore have not been considered. See MPEP 609.

Claim Rejections - 35 USC ' 112, second paragraph

4. Claims 14-17 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which

Art Unit: 2131

applicant regards as the invention. Claim 14 recites "A log-in device that logs in a specific device". Examiner asserts that "logs in a device" is an unclear phrase to say that a log-in device that logs in—to—a device. Clearly from the specification, the log-in device is logging into the device which is much different than saying the log-in device is allowing the device to log-in. Examiner feels that a more definite wording should be used to clarify the meaning of claim 14 so that it agrees with the specification.

Clarification and/or correction are required.

Claim Rejections - 35 USC ' 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-9, 14,15, 18-29 are rejected under 35 U.S.C. 102(b) as being anticipated by Bennett (USP 5,734,909).

As per claims 1, 21, 24, and 27, Bennett teaches a response unit that gives a response of failed log-in to one specific device of interest, which has just output a request of log-in, when a number of specific devices that currently log in said logged-in device reaches a predetermined allowable number of simultaneous log-in (column 2, lines 30-35 and column 4, lines 21-37); and

a re-request timing specification unit that specifies a timing of re-request of log-in to determine a time when said specific device of interest, which has Just output the request of log-in and received the response of failed log-in, should output another request of log-in (column 2, lines 40-41);

computer readable medium, in which said first program code and said second program code are stored (column 1, lines 33-40).

As per claims 14, 23, 26, and 29, Bennett teaches a log-in request unit that outputs a request of log-in to said specific device and, when receiving a response of failed log-in and a specification of a timing of re-request from said specific device, outputs another request of login to said specific device at the specified timing of re-request (column 2, lines 40-43) and computer readable medium, in which program code is stored (column 1, lines 33-40).

As per claims 18, and 19, Bennett teaches a response unit that gives a response of failed log-in to one specific device of interest, which has just output a request of

Art Unit: 2131

log-in, when a number of specific devices that currently log in said logged-in device reaches a predetermined allowable number of simultaneous log-in (column 2, lines 30-35 and column 4, lines 21-37); and

a re-request timing specification unit that specifies a timing of re-request of log-in to determine a time when said specific device of interest, which has Just output the request of log-in and received the response of failed log-in, should output another request of log-in (column 2, lines 40-41);

each log-in request unit that outputs a request of log-in to said specific device and, when receiving a response of failed log-in and a specification of a timing of re-request from said specific device, outputs another request of login to said specific device at the specified timing of re-request (column 2, lines 40-43).

As per claim 2, Bennett teaches a precedence designation unit that allocates an ordinal number of precedence to said specific device of interest, which has just output the request of log-in (column 2, lines 54-55); and

a re-request timing determination unit that determines the timing of re-request of log-in with regard to said specific device of interest, based on the ordinal number of precedence allocated to said specific device of interest (column 2, line 12).

As per claim 3, Bennett teaches said precedence designation unit allocates ordinal numbers of precedence to said plurality of specific devices in a sequence of outputting first requests of log-in (column 2, line 54).

As per claim 4, Bennett teaches wherein said re-request timing determination unit assigns a shorter timing of re-request of log-in to a specific device having a higher ordinal number of precedence (column 2, lines 54).

As per claim 5, Bennett teaches re-request timing specification unit specifies the timing of re-request of log-in as a time constant that represents a time period to elapse before output of another request of log-in (column 2, lines 42-43).

As per claims 6 and 7, Bennett teaches said logged-in device comprises at least one logical unit, which is independently logged in by each of said plurality of specific devices (column 3, lines 54-55), a response unit that gives a response of failed log-in to one specific device of interest, which has just output a request of log-in, when a number of specific devices that currently log in said logged-in device reaches a predetermined allowable number of simultaneous log-in (column 2, lines 30-35 and column 4, lines 21-37); and

a re-request timing specification unit that specifies a timing of re-request of log-in to determine a time when said specific device of interest, which has Just output the

Art Unit: 2131

request of log-in and received the response of failed log-in, should output another request of log-in (column 2, lines 40-41).

As per claims 8, 9, and 15, Bennett teaches said plurality of specific devices are adjusted not to output the request of log-in simultaneously via said predetermined communication path (column 2, line 33).

As per claims 20, 22, 25, and 28, Bennett teaches causing said logged-in device to allocate ordinal numbers of precedence (column 2, lines 54-55) to said plurality of log-in devices in a sequence of outputting first requests of log-in to said certain logical unit (column 2, line 54), and to assign a shorter timing of re-request of log-in to a log-in device having a higher ordinal number of precedence (column 2, lines 54).

Claim Rejections - 35 USC ' 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the

subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 10-13, 16, and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bennett in view of Applicants Admitted Prior Art (herein AAPA).

As per claims 10-13, 16, and 17, Bennett teaches a computer system in which clients are logged in until the maximum number has reached (column 1, lines 26-40 and column 4, lines 21-37). Bennett even discloses that one skilled in the art can apply his teachings to a client environment that contends for shared client resources (column 4, lines 21-24). AAPA discloses a client environment that contends for shared client resources on the IEEE 1394 bus (page 1, line 20) using the proposed standard for that bus, SBP-2 protocol (page 1, lines 16-19). One skilled in the art could have advantageously applied the teachings of Bennett's system to the IEEE 1394, which is a resource that is contended by many clients.

In view of this, it would have been obvious to one of ordinary skill in the art at the time the invention was made to employ the teaching of AAPA within the system of Bennett because the IEEE 1394 bus using the standard protocol SBP-2 is one example of a shared client resource which is contended by clients and would benefit from Bennett's teachings of sharing the resources among clients fairly. One skilled in the art

Art Unit: 2131

would have been motivated to generate the claimed invention with a reasonable expectation of success.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael R Vaughan whose telephone number is 703-305-0354. The examiner can normally be reached on M-F 7:30-4:00.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on 703-305-9648. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MV
Michael R Vaughan

Examiner

Art Unit 2131


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